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SUBJECT: Peru: 2007 Anti-Trafficking in Persons Report

REF: A) 06 STATE 202745 B) 06 LIMA 4554 C) LIMA 0313

D) 06 LIMA 0826

1. (SBU) SUMMARY: The Peruvian Government demonstrated a strong commitment to comply with basic TIP standards by making significant efforts in the areas of prevention, prosecution, and protection. Its achievements include:

-- One person was sentenced to 10 years in prison for trafficking in persons for commercial sexual exploitations. Thirteen more cases remain before the Peruvian courts.

-- The new Garcia administration passed a comprehensive TIP law on January 17, 2007--within six months of taking office. The law clearly defines TIP in accordance with what Post believes fulfills the U.S. and UN definitions of TIP as stated in Ref A.

-- The Public Ministry, with the assistance of an NGO, trained 1389 law enforcement and social service professionals in 13 cities on TIP laws and enforcement procedures.

-- The Women's Ministry conducted all-day, TIP-awareness workshops for 1055 municipal officials and 1000 community leaders in 7 regions.

-- The new TIP law significantly strengthens victim and witness protection and calls for victim treatment and rehabilitation services by requiring ministries to budget for the provision of these services.

-- The GOP's Multisectoral Committee (MSC), assisted by the IOM, wrote a draft national law enforcement strategy that is now being revised to reflect the new law.

-- The Ministry of Foreign Affairs shows anti-TIP videos to passport applicants and disseminates videos and related information to embassies/consulates worldwide.

-- The Interior Ministry is operating a toll-free TIP hotline and referring cases to police since March 2006.

-- Peru signed a bilateral agreement with Chile to halt TIP across their borders.

-- The Peruvian National Police (PNP) implemented a computerized case-tracking system for TIP crimes. The Minister of Interior took the somewhat unusual step of issuing a ministerial resolution that requires that all law enforcement personnel enter TIP cases into the system.

-- The Ministry of Tourism is running a campaign to have hotels sign a "code of conduct" against child-sex tourism, focusing initially in seven major tourist regions.

END SUMMARY

¶2. (SBU) Following is a checklist of answers to Ref A, Para 27, (Overview):

¶A. Peru is not a country of origin for "significant" international trafficking in persons. A few cases of international trafficking of women have been reported in the past, but the scope of the problem is not yet known. In past years, the destinations of foreign trafficking from Peru have been the U.S., Spain, Japan, and Italy. According to the limited information gathered so far by the GOP and local NGOs, Peru is not a country of transit or destination for trafficking in persons. Internal trafficking is, by far, the greater problem.

The magnitude of the TIP problem remains difficult to quantify. The illegal, semi-clandestine nature of the trafficking--especially the commercial sexual exploitation of minors (CSEM)--as well as the lack of a standardized system for tracking the crimes and the mobility of the population make gathering data problematic. Studies done by NGOs and international organizations (IOM, ILO, and UNODC) from 2004 through 2006 have been more qualitative in character and focused on urban areas where TIP is more visible, e.g., in the streets, bars, and discotheques. The reliability of the data should be considered good within the limited parameters of the studies themselves, i.e., personal interviews of prostitutes, social workers, and key informants in urban areas.

In regions with little or no government presence (primarily in the coca-growing regions of the Upper Huallaga and the Apurimac-Ene River Valleys), post has received reports from NGOs that children are used to process coca leaf into cocaine, but there is no official data on the extent of the child labor or trafficking. Narcotraffickers and the narco-terrorist group Sendero Luminoso (SL) use the labor of children to grow food crops and coca for them. Narcotraffickers routinely violate the rights of children in their efforts to produce cocaine. In August 2004, the National Commission for Development and Life without Drugs estimated that 5,000 children were employed in the illegal narcotics industry. NGOs have photos showing children stomping on coca leaves in shallow pits filled with kerosene and other chemicals, the first step in making cocaine.

Using information gleaned from NGO studies and key informant interviews, the Ministry for Women and Social Development (MIMDES) estimates that 9,600 children and adolescents are victims of CSEM nationwide (8 percent of an estimated 120,000 sexual workers). In metropolitan Lima, the NGO Via Libre estimates that 5,000 minors are victims of CSEM; 80 percent of the victims are female and 60 percent are between the ages of 15 and 17. The Via Libre figures do not include victims living in the extremely poor urban areas that encircle Lima, which would likely raise the figures substantially.

NGOs and international organizations maintain that significant domestic trafficking occurs, particularly underage women from the poorest and least developed regions east of the Andes--the Amazonian jungle and the mountains--into the major cities or into mining areas to work as prostitutes or domestic servants. Data gathered by NGOs indicate that trafficking takes place through informal

networks that could involve acquaintances, extended family members, and even the parents of the underage victims.

There are as yet no comprehensive official GOP figures on the extent or magnitude of the TIP problem. One important step toward rectifying this lack of data was the inauguration in December 2006 of a computerized case-tracking system for identifying and prosecuting TIP crimes (in Spanish it is called "Registro de Estadística de Delitos de Trata de Personas y Afines"--RETA). Minister of the Interior Pilar Mazzetti presided over the ceremony, and took advantage of the media coverage to express her strong support for anti-TIP efforts.

On February 28, 2007, the Minister Mazzetti took the somewhat unusual step of issuing Ministerial Resolution (RM 129-2007-IN/0105) setting forth the procedures that will be followed in reporting TIP crimes with RETA. This resolution makes RETA an official and required part of police procedures. It requires that all law enforcement personnel must consider whether a case involves TIP and, if so, must use the system to register the case. The PNP and other law enforcement officials are also required to train personnel in its operation, maintain the system, and report the data to the MSC.

RETA was developed by the NGO Capital Humano y Social - Alternativo (CHS-A) with a FY 2004 G/TIP grant. CHS-A, with the full cooperation of the Peruvian National Police (PNP), has trained 505 policemen in the cities of Lima, Chiclayo, Ayacucho, Ica, Pucallpa, Cusco, Puno, and Juliaca. By the end of the USAID grant in June 2007, CHS-A will train another 101 policemen to use RETA in the cities of Huanuco and Huancayo. The police who are receiving the training are responsible for investigating crimes either at the local level in police stations or at the national level in specialized units, notably in the TIP Investigations Unit. The NGO is also training 90 teachers in the PNP Academies in Lima, Puno, Cusco, and Huancayo.

1B. The GOP has demonstrated the political will to deal with TIP crimes. The Peruvian Congress passed a law on January 12, 2007 that more clearly defines TIP, strengthens sentencing guidelines, and provides protection for TIP victims and witnesses (see Ref C and Para 4, Section A below). The Multisectoral Committee (MSC) for TIP, a permanent, ministerial-level group created in March 2004, continues to function. In December 2006, it issued its second year-end review of the activities of Peru's MSC. The 100-page report provides an overview of Peru's efforts to combat TIP.

NGO and international organization studies currently provide the bulk of the information available on trafficking patterns and method. In a February 2005 report by the ILO and subsequent 2006 surveys by the IOM and local NGOs, a profile of trafficking victims in Peru (the data is most focused on CSEM) has emerged: 1) the populations most vulnerable to TIP are children ages 8-17 and young women from rural areas or the poor urban areas on the periphery of major cities; 2) persons living in poverty (48 percent); 3) handicapped persons, especially children and the elderly, as victims of forced labor and street begging; 4) victims of parental or spousal abuse; 5) illiterate or semi-illiterate persons; 5) undocumented persons--no birth certificates or other identification documents. Infants and children up to age 10 are sold to traffickers who use the infants to garner sympathy for women beggars and the older children are forced to beg on the streets. Children, mostly girls, ages 8-17 are trafficked as domestic servants. A 2005 ILO report on forced labor in the illegal logging industry estimates that 33,000 people are being victimized. The majority of the victims come from ethnic groups in the Amazonia region of Peru (primarily the departments of Ucayali, Madre de Dios, and Loreto).

The methods used by traffickers to approach victims are often a combination of emotional manipulation and

coercion. Victims are recruited through newspaper ads offering work. Notices posted on the street and in the markets are also used, especially in the poor areas. In a February 2007 study by the ILO, 69 percent of the victims of CSEM were recruited by friends or by people who befriended them on the street. Local employment agencies also play a role in recruiting trafficking victims, mostly poor young women from rural areas. The agencies offer the girls relatively well paid "restaurant work" in cities like Lima and Cusco, and, in some cases, in foreign countries. Boys are also trafficked to work in artisanal gold mining and illegal logging operations.

Traffickers usually transport their victims by road. A smaller percentage are moved by air or river transport. Again, NGOs studies have identified patterns of CSEM trafficking that move victims from east of the Andes to the major cities on the coasts. False documents are sometimes used, but it is common for the young to have no type of identification, and controls on internal migration are almost non-existent or easily circumvented. All varieties of forged documents are easily available in Peru.

1C. The limitations on the GOP to address this problem are a lack of resources, weak institutions, and corruption. Funding for the police is inadequate. As reported in 2006, the PNP is seriously understaffed based on historical trends. In 1990, there were 129,000 police for a population of 22 million. In 2005, the police force stood at 92,000 officers serving 27 million people--a deficit of almost 60,000 officers when the increase in population is taken into account. Corruption is a pervasive problem in Peru, and there is no evidence that it affects TIP more than other types of Peruvian crime.

The funding for TIP prevention and training comes from existing GOP programs to protect women and children and NGOs and international organizations. GOP support typically involves in-kind contributions, i.e., salaries (allowing employees to train during work hours), per diem, facilities for training, and using existing shelter programs for abused women and children for TIP victims as well.

The GOP lacks adequate resources to aid TIP victims. Lack of witness protection is a severe weakness in the Peruvian justice system for witnesses in all categories of crimes. The new TIP law passed in January 2007 mandates aid to TIP victims and witnesses (see Para 3, section A).

1D. The government began systematically monitoring its anti-trafficking efforts when it established a permanent, ministerial-level Multisectoral Committee (MSC) for TIP in March 2004. In December 2006, Peru issued its second year-end review of the activities of the MSC against trafficking in persons. The MSC's report, which covers 100 pages, is a fully indexed, Spanish-language document that reviews the GOP's efforts to fight TIP. The report points out the need for greater budgetary resources to fight TP, lists its achievements, describes what still needs to be done and, most important, it both documents and promotes coordination between different GOP ministries, local governments, and NGOs in the fight against TIP. All TIP initiatives and assessments are undertaken in a fully transparent manner and are reported to the ILO, IOM, UNICEF, and UNODC.

13. (SBU) Following is a checklist of answers to Ref A, Para 28, (Prevention):

1A. Yes, the GOP recognizes that trafficking is a problem in Peru.

1B. The permanent, ministerial-level Multi-Sectoral Committee (MSC), established in March 2004, has the lead in tracking and coordinating government anti-TIP efforts. The MSC is chaired by the Director of the Office of Human Rights in the Ministry of the Interior and includes representatives from 11 government ministries and agencies,

4 national NGOs, and 3 international organizations (ILO, IOM, and UNICEF).

1C. With funding from the IOM, the GOP started an anti-TIP toll-free hotline located in the Ministry of Interior in March 2006. The MSC and the IOM organized an awareness campaign drawing attention to TIP, promoting the hotline, and encouraging people to report TIP crimes. The Ricky Martin Foundation provided materials and publicity for the awareness campaign and the Interamerican Development Bank provided the financing. As Post reported in Ref B, the TIP hotline has received up to one thousand calls per month. Since the hotline started in March 2006, the hotline has received an average of 700 nuisance calls per month. Of the remaining 300 TIP-related calls, 80 percent were seeking more information on TIP. On average, two calls per month have been classified as TIP cases requiring action. These calls were passed to the police for investigation (post has no information whether any resulted in arrests on TIP charges). The hotline staff is located in the Office of Human Rights in the Ministry of Interior. The Ministry created a ground-breaking protocol for the hotline where the PNP and the Office of Human Rights have agreed to truncate significantly the usual bureaucratic procedures to allow hotline tips to be passed quickly to a police station nearest the complainant.

As part of the "The Government and Society against Violence" project funded by Belgium, MIMDES is working to combat TIP in 4 regions: Cuzco, Lima, Loreto, and Madre de Dios. Activities include training teachers to provide students and parents with the information on TIP. The NGO Action for the Children used its G/TIP grant to train police officers and other officials to identify and prevent TIP crimes as well as to understand the applicable laws. The scope of the awareness campaign was such that in Lima, Callao, Ica, Ancash, Cerro de Pasco, Huanuco, and Ayacucho:

- 1055 Heads of municipal Offices for the Protection of Children and Adolescents received TIP awareness training.

- 126 teenage victims of TIP from 7 municipalities in greater Lima received health assistance and psychological counseling through the municipal Offices for the Protection of Children and Adolescents.

- 1000 community leaders attended all-day workshops on how to incorporate TIP information into their daily interactions with the community.

- 732 school directors, education specialists, and teachers learned how to prevent TIP, report it, and handle the victims.

Since 2005, the Ministry of Exterior Commerce and Tourism (MINCETUR) is implementing a communications campaign directed at national and international tourists who engage in the sexual exploitation of minors. The campaign, "Prevention of Sexual Exploitation of Children and Adolescents by Tourists," is funded by UNICEF and Save the Children. Already 4,000 tourist agency personnel have received awareness training on TIP laws and prevention nationwide. The training will continue with a focus on the Departments of Cusco, Iquitos, Lima, Tacna, Ayacucho, Moquegua, and Madre de Dios with the goal of creating a network of tourist professionals working against child-sex tourism. MINCETUR is also distributing printed material and information on CDs. Videos are shown on domestic flights--and will soon be shown on inter-city and tourist buses within Peru--to educate people about the laws against CSEM and sexual tourism. MINCETUR developed a code of conduct regarding CSEM for the tourist industry and will promote its adoption in hotels nationwide, starting in March 2007.

The Women's Ministry (MIMDES) developed a project with UNICEF to 1) strengthen the PNP's TIP Unit, 2) determine the routes used by traffickers, and 3) train local police

and immigration officials in recognizing TIP. The project, which is being financed by Belgium, has started in the departments of Loreto, Madre de Dios, Cusco, and Lima where CSEM is the worst.

The GOP Ministry of Foreign Affairs (MFA) produced two videos to educate travelers to the danger of TIP. The videos were distributed to Peruvian Embassies and Consulates with instructions to disseminate the information to local authorities and the local Peruvian community. Copies were also sent to MFA regional offices in Peru to distribute to the regional and local governments. A brochure on TIP was distributed to its offices in Cusco, Iquitos, Puno, Tacna, and Tumbes. The brochure is also available in the office that issues passports. The MFA now offers an annual training session for consular officials on the issues of TIP and illegal migration.

1D. The Ministry of Education (MED) is incorporating information about TIP into its human rights campaign entitled "I Have the Right to Good Treatment," and into its tutoring program. The MED is also working with the NGO "Instituto de Estudio de la Familia y la Infancia (IDEIF)" to train hundreds of teachers and parents (mostly mothers) about TIP and the threat of CSEM in high TIP-risk areas in Peru.

1E. Government officials, NGOs, and other relevant organizations have consistently demonstrated a cooperative, collegial, working relationship. The MSC includes representatives from four NGOs, but other NGOs have been invited as observers. The NGOs are generally pleased with the cooperation and inclusiveness that the MSC has exhibited.

1F. The GOP claims that TIP is part of its immigration and emigration monitoring (as noted above, MIMDES has a training project aimed at immigration officers). All cases handled by prosecutors and the courts are reviewed for indications of TIP. With the passage of the new TIP law in January 2007, this scrutiny should increase. The GOP signed a bilateral cooperation agreement with Chile on March 15, 2005, to halt the trafficking of children and adolescents across their common border (many Peruvians work as domestics in Chile). No cases have been reported so far.

1G. The GOP established a permanent, ministerial-level Multisectoral Committee (MSC) for TIP in March 2004 with the responsibility for coordination and communication between various internal, international, and multilateral entities on TIP matters. The MSC consists of 11 ministries, 4 national NGOs, and 3 international organizations. Other government agencies, international organizations, and NGOs can attend as observers/participants. In June 2006, the Ministry of Justice prepared a National Development Plan against Corruption to cover the period 2006-2011 in the final months of the Toledo Administration. The Garcia Administration, which assumed office on July 28, 2006, is reviewing the 240-page plan prior to implementing it.

1H. Peru does not yet have an approved national plan of action on TIP. The MSC, in close coordination with the IOM, has produced a draft plan. A subcommittee was formed to finalize the draft and obtain approval for a "National Plan of Action against Trafficking in Persons, 2007-2011." The subcommittee consists of the representatives from the Ministry of Interior, the Public Ministry, two NGOs, and the IOM.

14. (SBU) Following is a checklist of answers to Ref A, Para 29, (Investigation and Prosecution of Traffickers):

1A. The new Garcia administration demonstrated its strong commitment to combating Trafficking in Persons (TIP) by passing a comprehensive law on TIP within six months of taking office. The GOP's Multisectoral Committee (MSC) for TIP marshaled the active support of five ministers to lobby

Congress. The Peruvian Congress passed Law 28950 on January 12, 2007 that adequately defines TIP, strengthens sentencing guidelines, and provides protection for TIP victims and witnesses (Ref C). In this law, the GOP brings the Peruvian Penal Code into compliance with its obligations under the Protocol to Prevent, Suppress and Punish Trafficking in Persons, especially Women and Children, supplementing the UN Convention Against Transnational Organized Crime, which Peru ratified on December 25, 2003 (Palermo Protocol). Post also believes that the law fulfills the U.S. and UN definitions of TIP as stated in Ref A. This legislation will also enable the development of a functioning system for victim and witness protection. The Congress mandated that the law's regulations be written within 30 days, without which enforcement is not possible. The MSC recognizes that this timeframe is not realistic; nonetheless, it has met several times already and is planning a series of all-day interagency workshops to start drafting the regulations. Among other things, the new law raises the minimum sentence to 25 years for some crimes; it mandates the creation of bilateral and multilateral agreements on prosecuting and extraditing traffickers; it allows evidence obtained by undercover police, electronic surveillance, or other surreptitious means; and it requires treatment of victims and the payment of reparations.

In June 2004, the Penal Code was modified by Law 28251 to define trafficking in persons as it relates to sexual exploitation (Article 182 of Penal Code). The law penalizes a person who promotes, advertises, or facilitates sexual tourism using child pornography in pamphlets, publications, audio and videotape recordings, or through the Internet. The one TIP conviction for 2006 was the result of Law 28251.

Taken as a whole, the TIP laws in Peru now adequately cover the full scope of TIP. A series of laws in the criminal code address various aspects of TIP. The Peruvian Constitution (Article 2, Clause 24) establishes that "all people have rights" and specifically prohibits slavery, servitude, and trafficking in human beings in all its forms.

The TIP-related laws in the Peruvian Penal Code are listed below (translations of legal terms are unofficial):

Sexual Exploitation

- Article 170: Rape
- Article 173: Rape of a minor under 14 years of age
- Articles 176, and 176-A: Acts of Public Indecency with Minors
- Article 179: Promoting Prostitution of Minors
- Article 179-A: Clients of Underage Prostitutes
- Article 180: Sexually Exploiting a Minor between 14 and 18 years of Age for Profit
- Article 181: Pimping of Minors
- Article 181-A: Child-Sex Tourism
- Article 182: Trafficking in Persons for the Purposes of Sexual Exploitation--Domestic and International.
- Article 183 and 183-A: Child Pornography

Labor Exploitation

- Articles 50, 51, 53: Prohibitions against Child Labor
- Article 128: Forced Labor in Dangerous Working

Conditions

- Article 129: Forced Labor Resulting in Serious Injury or Death
- Article 153: Trafficking of Minors
- Article 153-A: Aggravated Trafficking of Minors
- Article 168: Forced Labor

TIP Law 28950 allows for civil penalties against TIP crimes that include forfeiture laws and seizure of property.

1B. The trafficking statutes in Article 153 provide

penalties from 8 to 15 years imprisonment. In Article 153A, the penalty is 12 to 20 years for an aggravated form of trafficking that is defined as involving one of the following five factors:

- If the victim is between 14 and 18 years of age.
- If the trafficker uses violence, threats or other forms of coercion.
- If the trafficker has a position of authority, either directly or indirectly, over the victim; or if the trafficker has a family relationship with the victim, biologically or by adoption.
- If the trafficker is acting as a member of criminal organization or gang.
- If the victim is delivered to a pimp.

The penalty is no less than 25 years in prison if one of the following three factors is involved:

- If the victim dies, is seriously wounded, or that puts the victim in a life-threatening situation.
- If the victim is under age 14 or has a temporary or permanent physical or mental handicap.
- If the trafficker is part of a criminal organization.

The traffickers or promoters of sexual tourism exploiting victims between 14 and 18 years will be sentenced to 2 to 6 years in prison. If the victim is under 14, the penalty is 6 to 8 years. In the case of government officials or a person who has been given responsibility for a victim, e.g., teacher, relative, or guardian, the penalty will be 8 to 10 years in prison.

1C. Labor trafficking crimes are also covered under Law 28950 and the penalties are the same. The same holds true for labor recruiters, employers, labor agents, those who confiscate workers' documents and all manner of labor trafficking described in this section.

The Peruvian Constitution prohibits forced or compulsory labor, including labor by children. The legal working age is 14 years. Labor inspectors attempt to control this problem, but have difficulties doing so in a large, informal economy. For additional information on labor trafficking, see Para 3, Section F.

1D. The penalties for rape or forcible sexual assault of adults range from 6 to 8 years in prison (Law 28704). In the case of minors (less than 18 years), the penalties are:

- If the victim is less than 10 years of age, the penalty is life in prison.
- If the victim is 10 to 14 years, the penalty is 30-35 years in prison.
- If the victim is 14 to 18 years, the penalty is 20-25 years in prison

	Penalties for Trafficking for Commercial Sexual Exploitation	Penalties for Rape or Forcible Sexual Assault
Adults	8-15 yrs	6-8 yrs
Children - Ages		
Less than 10	8-15 yrs	Life
10 to 14	8-15 yrs	30-35 yrs
14 to 18	8-15 yrs	20-25 yrs
Aggravated		
Adults	12-25 yrs	N/A
Children - Ages		
0 to 10	12-25 yrs	N/A
10 to 14	12-25 yrs	N/A
14 to 18	12-25 yrs	N/A

1E. Prostitution is legal for women over 18 years of age if they register with municipal authorities and carry a sanitary certification. Brothels are also licensed. In practice, the vast majority of prostitutes work in the informal sector where they lack health protection.

Unlicensed prostitutes and brothels are common. The activities of pimps, owner/operators of brothels, enforcers, clients of underage prostitutes, and child sexual tourism are criminalized. The pervasiveness of these activities and the paucity of police data suggest that law enforcement is weak.

1F. The PNP Investigative Directorate and its unit on TIP crimes reported three cases in 2005, nine cases in 2006, and two cases so far in 2007. All but one of the 2006 cases remain before Peruvian courts, i.e., 13 cases.

On December 27, 2006, a Peruvian court sentenced Edwin Alberto SANCHEZ Aguilar (27), alias "Cafu" or "Cueto," for the crime of "trafficking in persons with the intent of sexual exploitation" according to Article 182 of the Penal Code. Sanchez was sentenced to 10 years in prison and will be required to pay each of his three female victims USD 1,565 (5,000 Nuevos Soles) (Ref C).

Sanchez was detained in February 2006 by the PNP's TIP Investigation Unit. He is charged with befriending young women in malls and using physical force, verbal threats, and possession of a firearm to coerce the women to work in brothels in Lima and four other cities. He imprisoned the women and transported them between the cities. It is important to note that this case moved more quickly than normal through the judicial system--less than a year when the norm is 3 years. MIMDES and the MSC expended significant effort to expedite this case while the three victims stayed a MIMDES shelter for abused women. The rapid conviction in this case illustrates GOP commitment to combating TIP.

No one has yet been tried under the new TIP Law 28950. Despite recent advances in the Public Ministry and the PNP, it will be several years before the Peruvian justice system has the capability to provide reliable, comprehensive data from arrest to release from prison.

Although only one person was brought to trial, convicted, or sentenced in 2006, this should not be seen as a lack of GOP will. The average time for criminal cases to move through the judicial system from beginning to end is 30 months. (Comment: Getting accurate and complete information from the Peruvian judicial system is difficult, because the system is fragmented and inefficient. Furthermore, communication and data-sharing within and between ministries is problematic, which is reflected in the somewhat inconsistent yearly information Post receives. Post does not believe that GOP is withholding information. End Comment.)

The PNP continues to raid brothels, bars, hostels, and discotheques, etc. in search of sexually exploited minors. In 2004, the police conducted 2636 raids, 2822 in 2005, and 2776 in the first three quarters of 2006. So far in 2006, about 380 minors were found during the raids (273 possible victims of sexual exploitation), 135 pimps, and 490 clients with minors. These figures are difficult to interpret because it is not clear how policemen in the field classify the people involved or who is finally charged with a crime. If the people were arrested and charged, it was not for CSEM under the law (28251) current at the time. These issues are discussed in more detail in Post's 2006 report (Ref D). The recently installed RETA system should solve many of the problems with incomplete data (for more on RETA, see Para 2, Section A).

The GOP has been moving against child labor, a phenomenon that overlaps with TIP. It established the Multisectoral Committee on Preventing and Eradicating Child Labor (CPETI) on August 22, 2003 to eradicate child labor within 10 years. The committee includes 13 ministries and representatives from the regional governors and municipalities. International organizations like the ILO, PAHO, and UNICEF are also members. The Labor Ministry chairs CPETI.

Although the law restricts child labor based upon the age of the child, hours worked, and occupation, child labor remains a serious problem in Peru. The law's provisions are violated routinely in the informal sector. The legal minimum age for employment is 14; however, children between the ages of 12 and 14 may work in certain jobs for up to 4 hours per day, and adolescents between ages 15 to 17 may work up to 6 hours per day if they obtain special permission from the Ministry of Labor and certify that they also were attending school.

In certain sectors of the economy, higher minimum ages are in force: age 15 in industrial, commercial, or mining work and age 16 in the fishing industry. The law prohibits children from engaging in certain types of employment, such as work underground, work that involves the lifting and carrying of heavy weights, work where the child is responsible for the safety of others, work at night, or any work that jeopardizes the health of children and adolescents, puts at risk their physical, mental, and emotional development, or prevents their regular attendance at school.

Forms of child labor vary. In rural areas, many children work on small farms with their parents, in artisanal mining, or are sent to cities to work as domestics. In urban settings, children often work on the streets, performing, selling candy, begging, or shining shoes; or as scavengers in municipal dumps.

On May 12, 2006, the International Labor Organization (ILO) reported that nearly 33,000 persons are involved in forced labor in the Amazonia provinces of Ucayali and Madre de Dios, primarily in the logging industry. In 2004, the GOP reported on child labor conditions in Puno, where approximately 240,000 children were engaged in the mining and artisanal industries.

The Ministry of Labor's (MOL) Office of Labor Protection for Minors (PMT) issues permits authorizing children to work. Parents or legal guardians must apply for the permit, and employers cannot hire a minor without one. Each permit requires an on-site inspection to ensure compliance with Peruvian labor law. The PMT is still completing visits to the over 1,300 sites issued permits in 2005.

On November 1, 2006 the U.S. Department of Labor (DOL) began, with the cooperation of the GOP, a five-year, \$5 million project to reduce child labor in Lima, Callao, Trujillo, and Iquitos. The program helps at-risk children ages 11 to 15 to stay in school and assists children who are already working to return to school. More than 5,000 children are expected to benefit from the program. The Department of Labor is also working with the GOP to implement a national child labor survey to document the incidence and nature of child labor nationally. The project is expected to begin in the first quarter of 2007.

The GOP has defined brick-making as a sector relying on child labor. In 2006, MIMDES and CESIP, a Peruvian NGO, promoted joint development programs in Guachipa, a municipality near Lima, where thousands of children were engaged in brick-making. MIMDES and CESIP helped community leaders organize worker associations and pressure local governments to extend basic services. CESIP also has secured private sector money from companies to fund the construction and improvement of four Guachipa elementary schools. As a result, several hundred children attend school instead of working.

In mid-2005, the MOL completed the National Action Plan for Child Labor. In June 2006, a third revision of the plan was released to the public. The plan contains reports on progress achieved in combating child labor and details objectives in meeting the overall goal of eradicating child labor. According to the MOL, the rate of children entering the workforce has slowed: from 1996 to

2001, the percentage of children holding jobs increased by 13 percent. From 2001 to 2006, the increase was 3 percent.

The Ministry of Labor has the authority to investigate reports of illegal child labor practices. Focusing on the formal sector, inspectors conducted routine visits without notice. Firms found guilty of violating child labor laws may be fined and have their operations suspended. The Ministry of Labor has 236 labor inspectors.

¶G. Investigations by GOP authorities and NGOs indicate that domestic TIP activities are, for the most part, carried out on a local and informal basis, without the involvement of major trafficking organizations. The GOP has established that employment and tourist agencies and other apparently legitimate businesses are involved in trafficking. International trafficking to Japan has been linked to the Yakuza or Japanese mafia. The Embassy has no evidence of government officials being involved in TIP crimes. There is no information that points to trafficking money being laundered or used to finance other crimes.

¶H. The PNP created a "Trafficking in Persons Investigation Section" in January 2004 as part of the Kidnapping Investigations Division. The officers have been trained to investigate TIP crimes. The section is responsible for investigations in all of Peru. As of February 2007, sources both inside and outside the PNP agree that there is almost no sharing of information among the divisions. There are another 5 investigation divisions in the Lima-Callao metropolitan area that do not talk to each other or to the national divisions of DIRINCRI. The disarray continues because the investigation divisions in the 11 districts outside of Lima do not communicate with each other. The expansion of RETA (computerized case-tracking system) will allow the TIP Investigations Unit to handle more cases (for more info on RETA, see Para 2, section A). Part of the communications problem is a lack of technology, but it is also structural--something not easily or quickly solved.

Law 28950, when implemented, gives the PNP the authority to use undercover agents, surveillance, paid informers, wiretapping, money laundering investigations, and access to protected information such as financial records. Covert operations are authorized. Previously, there were laws that allowed surveillance and undercover investigations, but the circumstances in which the police would use these methods were unknown.

¶I. The GOP is working closely with NGOs and international organizations to train government officials to recognize, investigate, and prosecute TIP crimes. In all cases, the ministries are providing in-kind contributions, e.g., use of meeting facilities, transport, paid training time for employees, and office supplies. In 2006, the Ministry of Interior, which includes the police, worked with two NGOs to 1) establish the RETA case-tracking system and train police officers in its use and 2) educate and raise the awareness of police, local government officials, and other relevant officials. The Public Ministry (loosely analogous to the U.S. Justice Department) worked with an NGO to train 1389 people in 13 cities on how to recognize TIP and to apply the law in prosecuting cases. The Ministry for Women is incorporating TIP education in its ongoing programs for women and children. The Ministry of Education is cooperating with an NGO to educate thousands of teachers and parents on TIP along with its other mandated trainings (NGO: IDIEF).

¶J. The MFA has established a communications protocol with the PNP and Interpol to respond to complaints filed by TIP victims outside Peru or to investigate reports in the foreign media. The PNP will keep the MFA informed about TIP victims who were repatriated to Peru and about the progress of their cases in the judicial system. There was one case of a cooperative international investigation on TIP. In November 2005, two Peruvian sisters (Dorothy Tamara, age 13, and Maria Pia MELLIZ Olivios, no age given)

were kidnapped by two Ecuadorian citizens (Jose Luis ZAMBRANO Velez and another man going by the nickname "Maico") for sexual exploitation. Peruvian officials coordinated with Ecuadorian authorities to repatriate the two victims. Prosecution of the Ecuadorian traffickers is in the hands of Ecuadorian authorities.

¶K. A separate part of the Penal Code (Article 2) addresses extraterritoriality. The law applies to any criminal act, as defined by Peruvian Law, committed by a Peruvian in a foreign country. The person would be tried in Peruvian courts as if the crime had been committed in Peru. The law also states that Peru is obligated to conform to the international treaties and norms that it has signed and ratified. To date, no one has been extradited for TIP crimes, and no Peruvian has been charged with TIP crimes committed in another country. The GOP has not reported receiving any extradition requests related to TIP.

The GOP signed a bilateral cooperation agreement with Chile on March 15, 2005 to prevent the trafficking of children and adolescents across their common border.

The PNP created a special anti-fraud group to combat document and other types of fraud related to TIP and illegal immigration. This group is authorized to work with U.S. authorities to dismantle trafficking networks targeting the U.S.

¶L. There is no evidence of government involvement in or tolerance of trafficking at any level of government. It is widely accepted in Peruvian society that individual police officers tolerate the presence of underage prostitutes and the operation of unregistered and unlicensed brothels. No police have been charged or prosecuted for complicity in TIP.

¶M. During this reporting period, there have been no cases of government officials being involved in trafficking. On December 29, 2005, Congressman Torres Ccalla received a sentence of eight years in prison on charges of aggravated rape of a minor (aggravated because of his official position). He was also fined 20,000 Nuevos Soles (about USD 6,250). Torres Ccalla had brought the young girl to Lima from his home district of Puno, allegedly to work in his office. He was convicted under Law 28251 (passed in 2004) that stipulates a sentence of 4 to 8 years for someone who sexually exploits a minor.

¶N. Peru is a destination for child sex tourism. All studies of the issue point to the cities of Iquitos and Cusco as the principal destinations for child sex tourism. On the question of the extraterritoriality enforcement of child sexual abuse laws, please see Para 4, Section K. The GOP has no data on the arrest, prosecution, or extradition of foreign sex tourists in Peru.

¶O. The government has signed and ratified the following instruments:

-- ILO Convention 182 concerning the prohibition and immediate action for the elimination of the worst forms of child labor: Peru signed in 1999; it was ratified in 2001 and entered into effect in Peru on January 10, 2003.

-- ILO Convention 29 and 105 on forced or compulsory labor: Peru signed in 1959 and 1960, respectively. Both entered into effect in Peru in 1961.

-- The Optional Protocol to the Convention on the Rights of the Child (CRC) on the sale of children, child prostitution, and child pornography: Peru signed in 2000 and it was ratified in 2001.

-- The Protocol to Prevent, Suppress and Punish Trafficking in Persons, especially Women and Children, supplementing the UN Convention Against Transnational Organized Crime: Peru signed in 2000, it was ratified in

2001 and then it entered into effect on December 25, 2003.

¶5. (SBU) Following is a checklist of answers to Ref A, Para 30, (Protection and Assistance to Victims):

¶A. Law 28950, the new TIP law that was passed in January 2007 (see Para 4, Section A), requires that victims of TIP be assisted and protected by providing them with temporary lodging and legal, medical, and psychological assistance. There are no shelters designated specifically for TIP victims; however, MIMDES has shelters for victims of family violence and sexual abuse where TIP victims will be assisted until the relevant sections of Law 28950 are implemented. Under the new law, the Ministry of Health also has the responsibility to provide medical assistance to TIP victims, and the Justice Ministry must provide legal and witness protection assistance. Until the new law is implemented, no reliable data will be available on the TIP victims placed in any of the shelters mentioned above.

¶B. The GOP does not provide any funds to NGOs for any activities. NGOs are funded by international or private donors. However, various ministries have provided facilities and other services to NGOs to conduct TIP training of government workers. In one case, the Public Ministry provided conference facilities and paid per diem and travel expenses for 1389 government officials to participate in TIP-awareness training funded by a G/TIP grant in 13 cities.

¶C. The only referral process for victims occurs when they end up in a MIMDES shelter. Law enforcement officials must refer victims to the shelter in order for them to make use of the services. MIMDES produced a Procedures Guide to assist police in handling TIP victims. An additional problem that victims encounter in this stage is that without a national ID card the PNP cannot legally refer the victim to a shelter. The lack of proper identification also makes it difficult to establish a database of victims of trafficking in persons. When police raid brothels and nightclubs, they are unable to determine which girls are underage and which are not.

The GOP will have a formal system for identifying TIP victims when Law 28950 is implemented. The implementing legislation is now being drafted by the MSC (see Para 4, Section A for more details). The newly implemented RETA computerized case-tracking system will also assist in identifying TIP victims as well as the traffickers (Ref C).

¶D. Normally, victims are not advised of their rights and are not provided medical treatment. With the vast majority of the victims, the police try to identify the victims, but since most have no identity papers, they are released. Some make their way to the MIMDES Emergency Centers where they receive assistance, but many underage prostitutes return to the brothels where they will receive shelter and food. Law 28950 mandates that systems and protocols be created to protect and care for victims. TIP victims are not detained, treated as criminals, jailed, or deported. Victims are not fined.

¶E. Currently, legal assistance to a victim of trafficking is almost nonexistent. The GOP does not support any programs that encourage victim participation in the investigation or prosecution of the trafficker. Many times victims cannot afford the legal representation necessary to confront the traffickers. There is no legal impediment to victims' seeking legal redress. Filing a civil lawsuit in the Peruvian legal system is an expensive and lengthy undertaking. A victim can obtain other employment pending trial proceedings, but may not leave the country without permission from the court. Law 28950 and 28251 require victim restitution.

While Law 28950 addresses these TIP issues, the Garcia Administration recognizes that the entire Peruvian legal system is in serious need of reform. Judicial reform is a

highly political and contentious issue that may take years to resolve.

¶F. Law 28950 and Law 27378 mandate protection of victims, informers, witnesses, expert witnesses, and their families. At a minimum, the laws provide for the payment of repatriation, lodging, medical, psychological, and legal assistance as well as assistance in re-adapting to family and society. There are also provisions for witness protection, e.g., new identities, safe houses, police protection, and new jobs. In practice, these measures have not yet been implemented or enforced. As a general rule, the GOP does not provide protection to victims or witnesses. The PNP has a program by which co-conspirators or co-defendants can receive protection. Informants receive limited protection. Child victims would be placed in shelters run by the GOP, charities, or NGOs.

MIMDES's National Project against Sexual and Domestic Violence supports a number of programs, some of which are TIP-related. MIMDES runs 42 Women's Emergency Centers, which focus on the legal, psychological, and medical problems facing women and children who are victims of domestic violence. These resources are now also being used to protect TIP victims. The National Institute for Infant and Child Welfare (INABIF) also has a live-in center for underage TIP victims in Callao, administered by the Sisters of Adoration. This center has a capacity of 60 adolescent females and 15 infants of the adolescents.

¶G. MIMDES and the Public Ministry have both worked closely with NGOs to conduct awareness-raising sessions and held workshops for law enforcement officials on the new TIP law and the 2004 law on sexual exploitation (Law 28251). The NGO, Action for the Children, provides training to police officers and to teachers to help them recognize TIP and to provide resources on where to refer victims. As part of a G/TIP grant, the NGO OPCION coordinated with the Public Ministry to train 1389 professionals in 13 cities.

The Ministry of Foreign Affairs (MFA) has a program to provide assistance to Peruvians who are indigent or require special care abroad. All Peruvian embassies and consulates provide a 24/7 emergency phone line. The embassies and consulates are also required to maintain referral relationships with care centers in their jurisdictions. The MFA has established a toll-free help line for their citizens in the United States that connects to the MFA Office of Peruvian Rights in Lima (1-800-535-3953, Monday-Friday from 8:30 a.m. to 5:00 p.m. Lima time).

¶H. The MFA will provide assistance to victims who wish to be repatriated. The repatriated victims would be given the same protections as domestic victims, according to Law 28950.

¶I. Post has identified 14 NGOs and international organizations in Peru that work in some way on TIP-related issues. The NGOs and international organizations below work closely with the GOP on TIP and often attend MSC meetings. The GOP does not have a specific budget for TIP issues and does not give financial support to any NGOs. The lack of TIP funding by the GOP should not be construed as lack of commitment to combating TIP. The GOP has demonstrated its commitment to TIP by providing significant resources for training officials and making use of its existing programs to support anti-TIP efforts (see Para 2, Section C).

Below are the 8 NGOs that work with TIP victims.

-- Action for the Children (Accion por los Ninos): provides training for all types of GOP officials, community anti-TIP mobilization campaigns, and temporary shelter for victims.

-- Save the Children - Sweden: provides training for all types of GOP officials, focuses on the sexual and labor

exploitation of children and adolescents.

-- The El Pozo Movement (Movimiento El Pozo): searches out and identifies sexually exploited or abused women and children; provides guidance counseling and temporary shelter for victims.

-- Flora Tristan Center (Centro de la Mujer Peruana Flora Tristan): searches out and identifies sexually exploited or abused women and children; provides guidance counseling and temporary shelter for victims.

-- Sisters of Adoration (Hermanas Adoratrices - AKA the Order of the Sisters of Adoration, Slaves of the Blessed Sacrament and of Charity): provides long-term shelter and rehabilitation services for female victims of commercial sexual exploitation of minors.

-- Institute for the Study of Children and the Family (Instituto de Estudios por la Infancia y la Familia): provides training for all types of GOP officials, focuses on the trafficking of children and adolescents for sexual exploitation, also child sex tourism and border trafficking of children.

-- Human and Social Capital Alternative (Capital Humano y Social - Alternativo): provides training for law enforcement officials, designed the computerized case-tracking system for TIP and trained police in its use; implementation and training continue with close cooperation from the Ministry of Interior and the PNP.

-- OPCION (Corporacion Peruana para la Prevencion de la Problematica de las Drogas y la Ninez en Alto Riesgo Social): works with Public Ministry to educate prosecutors and other government officials about TIP and how to implement the TIP laws.

Post has identified 6 international NGOs and organizations in Peru that work in some way on TIP-related issues. Post has heard no reports from these organizations about lack of cooperation of the local authorities.

-- International Office of Migration (IOM): Supports and/or participates in TIP workshops/training sessions; is assisting the GOP's MSC to produce the National Plan of Action for TIP; funds the toll-free hotline run by the Ministry of the Interior.

-- United Nations Children's Fund (UNICEF): Provides technical assistance and support for training on combating the sexual exploitation of children and adolescents--prevention, public education, and rehabilitation of the victims.

-- International Labor Organization (ILO): Provides technical assistance and support for training regarding labor exploitation.

-- United Nations Office of Drugs and Crime (UNODC): Provides technical assistance and financial support for training on TIP issues.

-- Belgian aid agency: Supports the Ministry of Interior initiative to train the PNP and Immigration officials to identify TIP and to map the routes taken by traffickers in 4 regions of Peru (Loreto, Madre de Dios, Cusco, and Lima).

Nomination of Heroes and Best Practices

¶6. (U) The Embassy is not making any nominations for Heroes.

¶7. (U) The Embassy is not making any nominations for Best Practices.

Point of Contact and Hours of Preparation

¶8. (U) Point of Contact is:

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¶9. (U) Hours spent in preparation of this report:

-- NAS Director (FE-OC): 1 hour
-- NAS Deputy Director (FS-1): 1 hour
-- NAS Program Officer (FS-2): 60 hours
-- Political Officer (FS-2): 2 hours
-- USAID Officer (FS-3): 2 hours
-- USAID Program Assistant (LES-9): 12 hours
-- NAS Program Assistant (LES-10): 15 hours

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